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RHEHNSC/NSC WASHDC PRIORITY

RUEAIIA/CIA WASHDC PRIORITY

RUEAHLC/HOMELAND SECURITY CENTER WASHDC PRIORITY

RUEAWJA/DOJ WASHDC PRIORITY

RUEKJCS/JCS WASHDC PRIORITY

RUFOAOA/USNIC SARAJEVO PRIORITY

S E C R E T SECTION 01 OF 02 SARAJEVO 002072

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DHS FOR SHEA, OSD FOR FLORE, NSC FOR BRAUN, HINNEN, USNIC
FOR WEBER

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TAGS: PTER SMIG PREL PGOV BK

SUBJECT: BOSNIA - EMBASSY WINS TACTICAL VICTORY ON
CITIZENSHIP LAW AMENDMENT

REF: A. SARAJEVO 1748 B. SARAJEVO 890

Classified By: DCM Judith Cefkin for reasons 1.4 (B), (D)

¶11. (S) Summary and Comment: The Embassy succeeded in persuading the Parliament Collegium of Bosnia and Herzegovina to keep the proposed amendment to the Citizenship Law, with its problematic provision for reapplication for citizenship, off the House of Representatives' agenda until after the October elections. At that time, we expect improved prospects for passage of the amendment in the original form we supported. The composition of the Council of Ministers and the key parliamentary committees will change, and the Citizenship Review Commission will have diminished value as a galvanizing political tool. Even now, there are indications that in the post-election period some hard-line Bosniak politicians will put higher priority on other, currently less dramatic, citizenship-related issues. Meanwhile, advocates for the mujaheddin community have called the Commission a tool of the USG, a charge the Commission chair categorically denies. The Commission resumes its work in mid-September.
End summary and Comment.

Parliament Shelves Citizenship Amendment For Now

¶12. (S) On August 29, in response to sustained Embassy pressure, the BiH Parliament Collegium (composed of the three Speakers) pulled the proposed Citizenship Law amendment from the House of Representatives' (HoR) agenda and sent it back to the Parliamentary Committee on Human Rights, Immigration, Refugees and Asylum for further consideration. The amendment currently provides that a person stripped of BiH citizenship may reapply for citizenship after five years, undercutting the work of the Citizenship Review Commission, which is one of our top counter terrorism priorities (Ref. A). The Legislative Department of the Council of Ministers (CoM), for reasons that remain unclear, inserted this language before the amendment passed the CoM. Embassy will maintain pressure on Parliament to keep the amendment off the HoR agenda until after the October election. The Collegium members have assured Embassy that they will cooperate with us on this.

A New Parliament, A New Chance

¶13. (S) Embassy expects that the composition of the CoM and

the parliamentary committee on Human Rights will change after the election. Even a small change among decision makers, particularly in the parliamentary committee, could help our efforts. One possible option is to ask the new Com to withdraw the current amendment altogether and submit a new text without the problematic language. We would then engage key members of the Human Rights Committees to deter them from reinserting the five-year language, stressing that it is not required by any international human rights instrument, not in the best interests of Bosnian national security, and stands directly in the way of Bosnia obtaining an EU visa-free regime.

¶4. (S) Some Bosniak politicians, notably Haris Silajdzic, have also recently called for changes to the Citizenship Law impacting dual citizenship. Current law provides that "BiH citizenship is lost through voluntary acquisition of another citizenship, except if it is provided otherwise through a bilateral agreement between BiH and that State." This issue impacts many thousands of diaspora members and could be an important post-election issue with which to leverage Bosniak cooperation on the Citizenship Law amendment text that we support.

Controversy Continues in the Media

¶5. (SBU) Advocates for the mujaheddin community continue to issue misleading statements designed to gain public sympathy by equating the stripping of citizenship with immediate deportation. Kadrija Kolic, an attorney who routinely represents mujaheddin emigres, Dusko Tomic, a lawyer and child-rights advocate, and the radical Muslim community's

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Syrian-Bosnian spokesman Abu Hamza held a widely-covered press conference in Sarajevo on August 31. Kolic accused Bosnian authorities of persecuting legally naturalized citizens because they were dark-skinned and wore long beards. Kolic suggested the American member of the Commission, NATO HQ Chief Legal Advisor, was there as part of USG efforts to influence the Commission. (Note: The other two international members of the Commission are Bulgarian and Spanish. End Note). Tomic said the deportation of these men would result in 300 children losing their fathers. Abu Hamza repeated previous statements that he and his "brothers" would assert his (unspecified) rights against "illegal" government action (ref. B).

¶6. (SBU) Commission Chair Vjekoslav Vukovic publicly denied accusations the Commission was caving to USG pressure. He pointed out that the three international members of the Commission represented key international organizations (NATO, the European Commission and the Council of Europe), not individual nations. Vukovic also told the press that the Commission had determined that roughly 50 of the 150 individuals reviewed so far would be stripped of their citizenship, adding that among them were three men identified by the UNSC 1267 Committee as belonging to or associated with the Taliban and Al Qaeda. The Commission, which has been in summer recess, reconvenes in mid-September.

MCELHANEY